

ORIGINAL**FILED**

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RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT

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[Additional Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NORTHSTAR FINANCIAL
ADVISORS, INC., on Behalf of Itself
and All Others Similarly Situated,

Plaintiff,

v.

SCHWAB INVESTMENTS; and
MARIANN BYERWALTER, DONALD
F. DORWARD, WILLIAM A. HASLER,
ROBERT G. HOLMES, GERALD B.
SMITH, DONALD R. STEPHENS,
MICHAEL W. WILSEY, CHARLES R.
SCHWAB, RANDALL W. MERK,
JOSEPH H. WENDER and JOHN F.
COGAN as TRUSTEES OF SCHWAB
INVESTMENTS; and CHARLES
SCHWAB INVESTMENT
MANAGEMENT, INC.,

Defendants.

Case No. C-08-4119 LHK

**NOTICE OF APPEAL AND NINTH
CIRCUIT RULE 3-2
REPRESENTATION STATEMENT**

Honorable Judge Lucy H. Koh

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Northstar Financial Advisors, Inc., on behalf of itself and of all others similarly situated, appeals to the United States Court of Appeals for the Ninth Circuit from the District Court's orders dated March 2, 2011 (ECF No. 175) and August 8, 2011 (ECF No. 190), and from the Final Judgment dated August 29, 2011 (ECF No. 192) that dismissed all claims asserted by Plaintiff in its Second Amended Class Action

1 Complaint dated September 28, 2010 (ECF No. 127) and Third Amended Class Action
2 Complaint dated March 25, 2011 (ECF No. 181).

3 Per Circuit Rule 3-2, a Representation Statement is attached to this notice.

4 Dated: September 7, 2011

Respectfully submitted:

5 **BERMAN DEVALERIO**

6
7 By: 
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*Attorneys for Plaintiff Northstar Financial
Advisors, Inc.*

RULE 3-2 REPRESENTATION STATEMENT

Plaintiff-Appellant in this action, Northstar Financial Advisors, Inc., on behalf of itself and all others similarly situated, is represented by the following counsel:

WOLF POPPER LLP

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Defendants-Appellees, Schwab Investments, Mariann Byerwalter, Donald F. Dorward, William A. Hasler, Robert G. Holmes, Gerald B. Smith, Donald R. Stephens, Michael W. Wilsey, Charles R. Schwab, Randall W. Merk, Joseph H. Wender, and John F. Cogan, as Trustees of Schwab Investments, and Charles Schwab Investment Management, Inc., are represented by the following counsel:

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Court Name: U.S. District Court, WDCA
Division: 5
Receipt Number: 54611010325
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Transaction Date: 09/07/2011
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NOTICE OF APPEAL/DOCKETING FEE
For: Northstar Financial Advisors,
Case/Party: D-CAN-5-08-CV-004119-001
Amount: \$455.00

PAPER CHECK CONVERSION
Check/Money Order Num: 11818
Amt Tendered: \$455.00

Total Due: \$455.00
Total Tendered: \$455.00
Change Amt: \$0.00

Case # 08-4119-LHK

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.